

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Attorney Docket No. 17405US04

In the Application of:

Fei Xie

U.S. Serial No.: 10/651,428

Filed: August 29, 2003

For: METHODS OF RECORDING VOICE
SIGNALS IN A MOBILE SET

Examiner: Yuwen Pan

Group Art Unit: 2618

Confirmation No.: 8633

Customer No.: 23446

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/Michael T. Cruz/

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Reg. No. 44,636

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is a Response to the Notification of Non-Compliant Appeal Brief mailed August 11, 2008 ("Notification"). A Petition for a One-Month Extension is enclosed, thereby extending the deadline by which to respond to the Notification to Tuesday, October 14, 2008 since October 11, 2008 falls on a Saturday, since October 12, 2008 falls on a Sunday, and since October 13, 2008 falls on a Federal Holiday, namely, Columbus Day.

SUMMARY OF CLAIMED SUBJECT MATTER

Some embodiments according to some aspects of the present invention may provide, for example, a method in a mobile set that selects data to be stored as set forth, for example, in claim 1. The method may include, for example, one or more of the following: displaying a plurality of recording modes, each of the plurality of recording modes recording a different set of data frames exchanged between the mobile set and a second device during a phone call (see, e.g., specification at page 7, line 11-25); choosing one of the displayed plurality of recording modes (see, e.g., specification at page 7, line 11-25); and recording a set of data frames according to the chosen recording mode (see, e.g., specification at page 7, line 11-25). The recorded set of data frames may include, for example, a downlink voice signal, a downlink video signal, an uplink voice signal and an uplink video signal in which the downlink video signal is recorded at the mobile set when the downlink voice signal is determined to have voice activity and in which the uplink video signal is recorded at the mobile set when the uplink voice signal is determined to have voice activity. See, e.g., specification at page 13, line 25 to page 14, line 6.

Some embodiments according to some aspects of the present invention may provide, for example, a method in a mobile set that replays recorded conversations as set forth, for example, in claim 3. The method may include, for example, one or more of the following: providing a display indicating a data structure of recorded conversations (see, e.g., specification at page 6, line 28 to page 7, line 10); and, in response to selection of the displayed line, replaying a recorded conversation (see, e.g., specification at page 7, lines 9-10). See also, e.g., specification at page 7, lines 26-31. The recorded conversations may include, for example, uplink data frames transmitted from the mobile set to a second device during a phone call and downlink data frames transmitted, from the second device to the mobile set during the phone call. See, e.g., specification at page 13, line 25 to page 14, line 6. The uplink data frames may include, for example, uplink voice signal frames and uplink video signal frames. See, e.g., specification at page 13, line 25 to page 14, line 6. The downlink data frames may include, for example, downlink voice signal frames and downlink video signal frames. See, e.g., specification at page 13, line

25 to page 14, line 6. The uplink data frames and the downlink data frames may be selectively recorded based on data content analysis, performed by the mobile set, of each uplink data frame and each downlink data frame. See, e.g., specification at page 13, line 25 to page 14, line 6. The uplink video signal frames may be recorded when the uplink voice signal frames are determined to have voice activity. See, e.g., specification at page 13, line 25 to page 14, line 6. The downlink video signal frames may be recorded when the downlink voice signal frames are determined to have voice activity. See, e.g., specification at page 13, line 25 to page 14, line 6.

Some embodiments according to some aspects of the present invention may provide, for example, a method that replays previously recorded conversations during a real time conversation as set forth, for example, in claim 4. The method may include, for example, one or more of the following: providing a display indicating data structures representing recorded conversations (see, e.g., specification at page 6, line 28 to page 7, line 10); and, in response to selection of a particular data structure of the data structures, replaying at least a portion of the particular data structure (see, e.g., specification at page 7, lines 9-10). See also, e.g., specification at page 7, lines 26-31. The recorded conversations may include, for example, uplink data frames transmitted from the mobile set to a second mobile set during a phone call and downlink data frames transmitted from the second device to the mobile set during the phone call. See, e.g., specification at page 13, line 25 to page 14, line 6. The uplink data frames may include, for example, uplink voice signal frames and uplink video signal frames. See, e.g., specification at page 13, line 25 to page 14, line 6. The downlink data frames may include, for example, downlink voice signal frames and downlink video signal frames. See, e.g., specification at page 13, line 25 to page 14, line 6. The uplink data frames and the downlink data frames may be selectively recorded based on data content analysis, performed by the mobile set, of each uplink data frame and each downlink data frame. See, e.g., specification at page 13, line 25 to page 14, line 6. The uplink video signal frames may be recorded when the uplink voice signal frames are determined to have voice activity. See, e.g., specification at page 13, line 25 to page 14, line 6. The downlink video signal frames may be recorded when

the downlink voice signal frames are determined to have voice activity. See, e.g., specification at page 13, line 25 to page 14, line 6.

REMARKS

This paper is a Response to the Notification of Non-Compliant Appeal Brief mailed August 11, 2008 ("Notification"). A Petition for a One-Month Extension is enclosed, thereby extending the deadline by which to respond to the Notification to Tuesday, October 14, 2008 since October 11, 2008 falls on a Saturday, since October 12, 2008 falls on a Sunday, and since October 13, 2008 falls on a Federal Holiday, namely, Columbus Day.

In the Notification, the Patent Appeal Specialist notes that the Summary of Claimed Subject Matter section is defective for not citing to the specification.

Appellant respectfully submits a corrected Summary of Claimed Subject Matter section to supplement the Appeal Brief filed on July 29, 2008.

If further correction is required, the Patent Appeal Specialist is requested to contact Appellant's representative at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: October 14, 2008

Respectfully submitted,

/Michael T. Cruz/

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